MAR 20 7003 CO. S. THEORING.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:) PATENT APPLICATION	
Inventor(s): Ned S. Rasor, et al.	3	
SC/Serial No.: 09/708,186) Examiner: Dawson) Art Unit: 3761	
Filed: November 7, 2000) Alt Ollit. 3701	
Title: METHOD AND APPARATUS FOR CO-APPLICATION OF GASES AND DRUGS TO POTENTIATE THEIR ACTION IN RELIEVING HEADACHES, ANGINA AND OTHER AILMENTS	RECEIVE MAR 2 7 2003 GROUP 360	

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(Attorney Signature)

Jill L. Robinson, R.g. No. 34,911

Signature Date: March 14, 2002

Assistant Commissioner for Patents Washington, D.C.

Sir:

Response to Office Action

In the office action mailed January 14, 2003 the Examiner stated that all pending claims 15-17, 21-32, 34, 35 and 46-55 were subject to restriction and election requirement.

Specifically the examiner identified three species as patentably distinct:

- I Method of controlling the effect of a drug by infusing the eye;
- II -- Method of controlling the effect of a drug by infusing the ear; and
- III -- Method of controlling the effect of a drug by infusing the nose/mouth. together with 8 subspecies for each of the species:

A -- use of CO₂

B -- use of NO

C -- use of O₂

D -- use of NO₂

E -- use of He

F -- use of HCL

G -- use of HNO₃

H -- use of HF

Applicants hereby elect species III and subspecies A: Oral/nasal infusion and the use of CO₂.

Applicants identify the following claims as readable on the elected species and subspecies:

Claims 17, 21-25, 27, 28, 29, 30, 31, 32, 34, 35, 46-55.

Applicants further respectfully traverse the restriction and election requirement.

Respectfully submitted,

Date: March 14, 2003

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